

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA**

**v.**

**MARKO BOSKIC**

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**Cr. No. 04-10298-DPW**

**GOVERNMENT'S ASSENTED TO MOTION FOR NON-DISCLOSURE**

The United States of America, by its attorneys, Michael J. Sullivan, United States Attorney, and Kimberly P. West, Assistant U.S. Attorney, moves this court pursuant to Local Rule 116.6 for a protective order prohibiting the defendant and his attorneys from disclosing the identity of the cooperating witness involved in the creation of consensual recordings of conversations with the defendant, as well as information from the recordings which would tend to identify said witness, except such information may be disclosed to any member of the defense team (including attorneys, paralegals, investigators, interpreters and clerical personnel), or as agreed by the parties, or as otherwise ordered by this Court. The government further requests that this order remain in effect until 21 days prior trial. Nothing in this order shall prohibit the defendant from requesting the Court to terminate the order prior to that time, or from requesting leave to make specific disclosures. Defendant, through counsel, assents to these requests.

As grounds for this request, the government states the following.

On October 29, 2004, the government provided discovery to the defendant pursuant to Local Rule 116.1. At that time, the government declined to produce consensual recordings of the defendant with a cooperating witness on the grounds that releasing the substance of the recordings would reveal the identity of the cooperating witness, thereby potentially putting the witness at a significant risk of harm.

Counsel for the defendant has agreed not to disclose the identity of the cooperating

witness involved in the creation of the consensual recordings of conversations with the defendant, as well as information from the recordings which would tend to identify said witness, except such information may be disclosed to any member of the defense team (including attorneys, paralegals, investigators, interpreters and clerical personnel), or as agreed by the parties, or as otherwise ordered by this Court. Counsel for the defendant agrees that this order shall remain in effect until 21 days prior trial. Nothing in this order shall prohibit the defendant from requesting the Court to terminate the order prior to that time, or from requesting leave to make specific disclosures.

If the requested protective order is entered, the government agrees to produce the recordings of all consensual recorded materials immediately, and will produce any material relevant to Local Rule 116.2(B)(1) as it relates to the cooperating witness.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Kimberly P. West  
KIMBERLY P. WEST  
Assistant U.S. Attorney

Dated: November 3, 2004